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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2009 JUL 10 PM 2:18 ✓

JEANNE HICKS, CLERK

BY: 

In the Superior Court
In and for the County of Yavapai, State of Arizona

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN C. DEMOCKER

Defendant.

Case No. CR 2008- 1339

DIVISION 6

**JOINT STATUS
MEMORANDUM**

Pursuant to this Court's order of May 12, 2009, the parties herewith submit their Joint Status Memorandum in advance of the July 21, 2009 Status Conference in this matter. The parties, through their respective counsel, have personally met and conferred, and advise the Court as follows:

1. The parties believe that the current trial date of May 4, 2010 is reasonable and attainable, under the present circumstances. Likewise, the parties believe that the current estimate of thirty (30) trial days is also reasonable at this point in the proceedings. However, the parties acknowledge that, depending on subsequent rulings by the Court with respect to jury selection procedures, additional time could be required to select a jury in this case. The parties also agree that the thirty (30) day estimate does not include a possible aggravation and/or a penalty phase, if that becomes necessary.

2. The State has disclosed more than 261 witnesses to date. As of this filing, the defense has not yet made its initial Rule 15 disclosure, which is due on or before July 24, 2009. Although it is difficult to assess at this stage in the case how many of the witnesses disclosed will actually testify at trial, the parties have nonetheless begun to schedule interviews in a logical and orderly manner. The first such interviews are scheduled to begin on July 24, 2009, with

interviews of the first law enforcement responders to the scene on July 2, 2008. The parties do not anticipate, at this point, any particular difficulty that would require the assistance of the Court in identifying witnesses or scheduling their interviews.

3. The State has indicated informally that it has no proposed pre-trial motions that it intends to file, at this point in the case. The defense has identified more than thirty (30) pre-trial motions that it may file, but is reluctant to identify them with any more specificity at this point, prior to their filing and prior to any deadline for disclosure of such matters. The parties have agreed that they will attempt to identify the subject matter of these motions as rapidly as possible, with the idea of dividing them between the hearing dates set by the Court in November 2009 and the dates set aside by the Court in January 2010 for such motions. The parties are mindful of the Court's suggestion that substantive motions be dealt with in the November hearings, and motions *in limine* be filed so that they can be heard in January 2010, and agree that they will make every reasonable effort to follow that proposed division of subject matter.

4. The defense has identified some areas of the discovery made to date that need clarification or supplementation, and have been in regular communication with the prosecution regarding those matters. The parties do not, at this point, anticipate the need for Court intervention in resolving those discovery issues. They primarily relate to difficulties in copying and disclosing electronically stored information, and the parties can report that many of the previously existing difficulties have been addressed and resolved satisfactorily to this point. To date, the State has disclosed more than 11,000 pages of written discovery, and have disclosed in excess of 100 CD's and DVD's with various electronically stored material, ranging from audio recordings from witness interviews to video clips and scanned documents.

5. Finally, the State suggests that the Court schedule any interim management conferences around currently scheduled court dates, namely in November 2009 and January 2010. The defense would prefer to be in front of the Court on at least a monthly basis, and would propose that the Court select dates on July 21, 2009 in September, October and December 2009 for interim management conferences. Given the complexity of this case, the voluminous discovery, and the many issues involved, the defense believes it would be beneficial to have an opportunity to be with the Court on a regularly scheduled basis, occurring not less than monthly, from here until the trial date.

RESPECTFULLY SUBMITTED this 10th day of July, 2009.

LAW OFFICES OF JOHN M. SEARS, P.C.

By: 

John M. Sears, Attorney for the Defendant

Copy of the foregoing hand delivered this
10th day of July, 2009 to:

Honorable Thomas B. Lindberg
Judge of the Yavapai County Superior Court
Yavapai County Courthouse
Prescott, AZ

Joseph Butner
Yavapai County Attorney
Yavapai County Courthouse
Prescott, AZ

By: 